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FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**~~—[PROPOSED]~~
ORDER REGARDING DISMISSAL OF
COUNTERCLAIMS**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

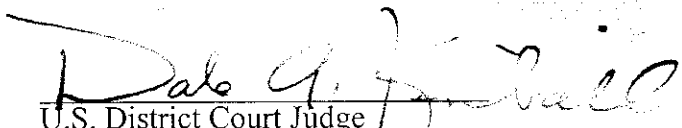
Magistrate Judge Brooke C. Wells

Based upon the stipulation of the parties, and good cause appearing therefor,

IT IS HEREBY ORDERED that IBM's Eleventh Counterclaim (Patent Infringement), Twelfth Counterclaim (Patent Infringement), and Thirteenth Counterclaim (Patent Infringement) from IBM's Second Amended Counterclaims Against SCO are hereby dismissed with prejudice and upon the merits, with each party to bear its own costs and attorneys' fees related thereto.

DATED this 10th day of October, 2005.

BY THE COURT


U.S. District Court Judge
Dale A. Kimball

APPROVED AS TO FORM AND CONTENT:

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

By 
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

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